

REPORT - PLANNING COMMISSION MEETING
June 12, 2003

Project Name and Number: JCFANS Power Center (PLN2003-00129)

Applicant: Willie Harper

Proposal: To consider a Conditional Use Permit to allow a religious facility, occupying a 6,553 square-foot tenant space within a 44,200 square-foot light industrial building.

Recommended Action: Approve, based on findings and subject to conditions.

Location: 41324 Christy Street, in the Industrial Planning Area

Assessor Parcel Number(s): 531-022-204-300

Area: 2.9 acres

Owner: SDC Fremont Business Center

Agent of Applicant: N/A

Consultant(s): N/A

Environmental Review: This project is categorically exempt from the California Environmental Quality Act (CEQA) review per Section 15301, Existing Facilities

Existing General Plan: General Industrial – Commercial Overlay

Existing Zoning: G-I, General Industrial

Existing Land Use: General Industrial Uses (1 Industrial Building)

Public Hearing Notice: Public hearing notification is applicable. A total of 60 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Albrae Street, Encyclopedia Circle, Christy Street, and Stewart Avenue. The notices to owners and occupants were mailed on June 2, 2003. A Public Hearing Notice was delivered to The Argus on May 27, 2003 to be published by June 2, 2003.

Executive Summary: The applicant is requesting approval of a Conditional Use Permit to establish a religious facility, on a developed property located at 41324 Christy Street in the Industrial Planning Area. Staff recommends that Planning Commission approve the conditional use permit to allow the establishment of a religious facility, based on the findings and subject to the conditions of approval.

Background: The lands are located within what is referred to as the Fremont Business Center Development located on the northeast corner of Christy Street and Stewart Avenue. Although the Business Center is comprised of four (4) separate parcels of land, from a design/layout point of view they function as one parcel through the use of joint access and parking agreements. The subject land under review through this application is approximately 2.9 acres and is occupied by one (1) light industrial building being 44,200 square feet in size. Exhibit "A" highlights the entire Business Center, subject lands and the particular building in which the religious facility use is proposed.

Project Description: The applicant is requesting approval of a conditional use permit to allow a religious facility use (JC Fans Power Center) to occupy approximately 6,553 square feet, within the existing 44,200 square foot light industrial building.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is General Industrial – Commercial Overlay. The proposed project is consistent with the existing General Plan land use designation for the project site because the General Plan allows religious facilities within an industrial land use designation.
- **Zoning Regulations:** The current zoning district is G-I General Industrial, which conforms to the General Plan designation of General Industrial. The proposed use is in compliance with Ordinance No. 1989 [adopted by the City Council on November 26, 1991], amending various Articles and Sections of the Zoning Ordinance to allow religious facilities as conditional uses in all industrial zoning districts, on developed sites of any size, subject to a conditional use permit. Therefore, the proposed religious facility is a conforming use in the G-I General Industrial Zoning District.

There have been numerous discussions and meetings between the owner of the site, the applicant and staff to ensure that all parties are fully aware of the surrounding industrial land uses. Staff wanted to clearly identify that by locating in a General Industrial zoning district, there will be noise, odor, and hazardous materials issues of which the applicant needs to be aware.

- **Interior Space Use:** The one-level floor plan contains a 2,500 square foot, centrally located assembly area with movable seats, and a sound room. The remainder of the interior space includes, Sunday school rooms, offices, classrooms, restrooms and kitchen. No changes are proposed to the exterior of the building.

The tenant space improvements will be required to comply with the California Building Code as adopted by the City of Fremont, and must conform to all requirements of the Fire Department for concentrated assemblies. An automatic fire-extinguishing system (AFES) will be required for the Assembly Area/Occupancy (Condition # 7).

- **Activity Times:** According to the applicant, the most heavily attended, religious facility activity will be the morning church services on Sundays, (mornings 10:00a.m. to 1:00p.m.). The Church estimates the number of attendees to be between 100 to 150 people. Activities on weekday evenings include Training and Education, Prayer Meeting and Youth Meetings (beginning at approximately 7:00p.m to 9:00p.m). Attendee numbers on weekday evenings may range from 20 to 50 persons. No daytime weekday group activity is scheduled or anticipated. Standard office hours will be held by the Church weekdays between 9:00 a.m and 5:00 p.m., with approximately 5 staff in the facility. Daycare services are not proposed and not allowed through this Conditional Use Permit (Condition # 2).
- **Parking, Access and Circulation:** The Business Center lands are served by Christy Street and Stewart Avenue both being classified as "Collector Roads" within the City's General Plan. Because the religious facility functions primarily on weekends or evening when industrial uses are minimal, these roadways are adequate to serve the proposed intensity of the use on site. The site location conforms to the Development Policy for Quasi-Public Uses, which encourages establishment of quasi-public facilities in locations where they will easily accessible and will not interfere with traffic service to adjacent areas.

The existing Fremont Business Center Development contains over 725 on-site parking spaces for the tenants and users of the facilities. No changes to the parking lot layout or design are proposed through this conditional use permit. There are currently joint access and parking agreements registered against the various parcels within the Business Center for the benefit of each of the parcels. Since the proposed religious facility operation times will not occur contemporaneously with the adjacent industrial business, there should not be a conflict over normal use of the on-site parking spaces.

Applicable Fees: No additional impact fees are required as a result of this conditional use permit.

Environmental Analysis: This project is categorically exempt from CEQA review per Section 15301, Existing Facilities.

Response from Agencies and Organizations: No agency responded indicating any concern or objection to the Condition Use Permit application.

Enclosures:

Exhibit "A" (Site Plan and Floor Plan)
Exhibit "B" (Findings and Conditions of Approval)
Informational – Location Map

Exhibits:

Exhibit "A" Site Plan and Floor Plan
Exhibit "B" "Findings and Conditions of Approval"

Recommended Actions:

1. Hold public hearing.
2. Find PLN2003-00129 is categorically exempt from CEQA per Section 15301, Existing Facilities.
3. Find PLN2003-00129 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan Land Use Chapter.
4. Approve PLN2003-00129, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Exhibit "B"
Findings and Conditions of Approval
PLN2003-00129
JCFANS POWER CENTER
June 12, 2003

FINDINGS FOR APPROVAL

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated June 12, 2003, incorporated herein,

1. The proposed use is consistent with the General Plan, since a religious facility is a conditionally permissible use in the General Industrial zoning district, which conforms to the "General Industrial – Commercial-Industrial Overlay" land use designation.
2. The site is suitable and adequate for the proposed religious facility use because it is located on a developed site where no exterior modifications will be required and in that the site can accommodate the parking needs of the facility because it operates at differing times than most of the other uses within the complex.
3. The proposed use would not have a substantial adverse effect on traffic circulation or the planned capacity of the street system because the points of ingress-egress are properly located, the times of activity are outside of commute peak hours, and sufficient parking is available.
4. The proposed use would not have a substantial adverse economic effect on nearby uses because the use will not compete with the adjacent industrial uses, its normal hours of activity do not substantially overlap or coincide with those of the nearby uses, and it is accorded permissible status in an industrial district with conditional use approval.
5. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or community at large because the religious facility use is properly located on a developed site, within an enclosed building on a developed lot, providing adequate on-site parking, and therefore should not create nuisance or degrade the surrounding industrial area.
6. No public improvements are required as part of this approval.

CONDITIONS OF APPROVAL

1. Approval of PLN2003-00129 shall conform to Exhibit "A" (Site Plan and Floor Plan) and applies to the 6,553 square foot tenant space denoted on the site plan.
2. The Conditional Use Permit (to be issued by the Director of Planning) will be for the purposes of providing religious services and associated activities including Sunday school, training and education meetings, choir rehearsal and prayer sessions once all conditions precedent to the permit have been met. Daycare service of any kind is not permitted as part of this Conditional Use Permit, however the church may operate a nursery during the primary church service and when necessary to support associated activities, such as evening prayer meetings for the children of adults who remain present on site and which adults are attending such primary church services or associated activities.

3. The Director of Planning shall issue a Conditional Use Permit to allow commencement of the use for the aforementioned tenant space once conditions 4 through 7 have been satisfied.
4. The applicant/tenant shall prepare the following: (1) a site-specific emergency preparedness and response plan; and (2) an evacuation plan and shelter in place plan. All plans must be reviewed and accepted by the Fire Department prior to use of the facility. The Plans must address possible impacts from hazardous materials releases from nearby users. The Plans must also include escape routes from the building and the site. Both the evacuation plan and shelter in place plan must be posted and made available in the locations (e.g. in each pew, chairs, etc.) and number as reasonably determined by the Fire Department
5. Upon completion of the emergency preparedness and response plan and prior to submittal of an application for a building permit for tenant improvements, the applicant and property owner shall consider installing engineering and management controls to mitigate the potential impacts of a hazardous materials release from nearby users.
6. The tenant space improvements, to accommodate the religious facility use, will be required to comply with the California Building Code as adopted by the City of Fremont, and shall conform to all the requirements of the Fire department for concentrated assemblies. An automatic fire-extinguishing system (AFES) will be required for the Assembly Area
7. The applicant/tenant shall submit tenant improvement plans and specifications to the Development Services Center - Plans and Permits Division, for any proposed and required tenant improvements as well as to allow for the proposed assembly occupancy. The applicant/tenant shall receive a final occupancy permit from the Building Division prior to issuance of the Conditional Use Permit and use of the facility.

The following Conditions must be met on an ongoing basis:

8. The applicant/tenant shall also distribute an emergency preparedness and response plan, evacuation plan and shelter in place plan to all congregation members at least one time per year. Furthermore, the applicant/tenant shall conduct an emergency drill one time each year; with the applicant/tenant coordinating the drill date with the Fire Department in the event the Fire Department wishes to attend.
9. The applicant/tenant and property owner shall consider installing engineering and management controls to mitigate the potential impacts of a hazardous materials release from nearby users.
10. The proposed assembly hall shall be the religious facilities' sole worship service area, and its occupant capacity shall not exceed the maximum occupancy for assembly uses as set forth in the Fremont Building Code. The maximum occupancy shall be posted on the premises.
11. The religious facility shall operate primarily during non-business hours so that traffic and parking demands generated by religious activities does not interfere with existing adjacent uses. Primary worship services shall be provided on Sundays, and associated religious activities, such as prayer meetings, adult and youth ministries, and choir rehearsals shall be conducted primarily on weeknights after 5:00p.m. Ancillary religious activities that involve only small groups of people, such as pastoral counseling and general administration support, are permitted during regular business hours, so long as traffic and parking demands for such activities does not interfere with existing adjacent uses.

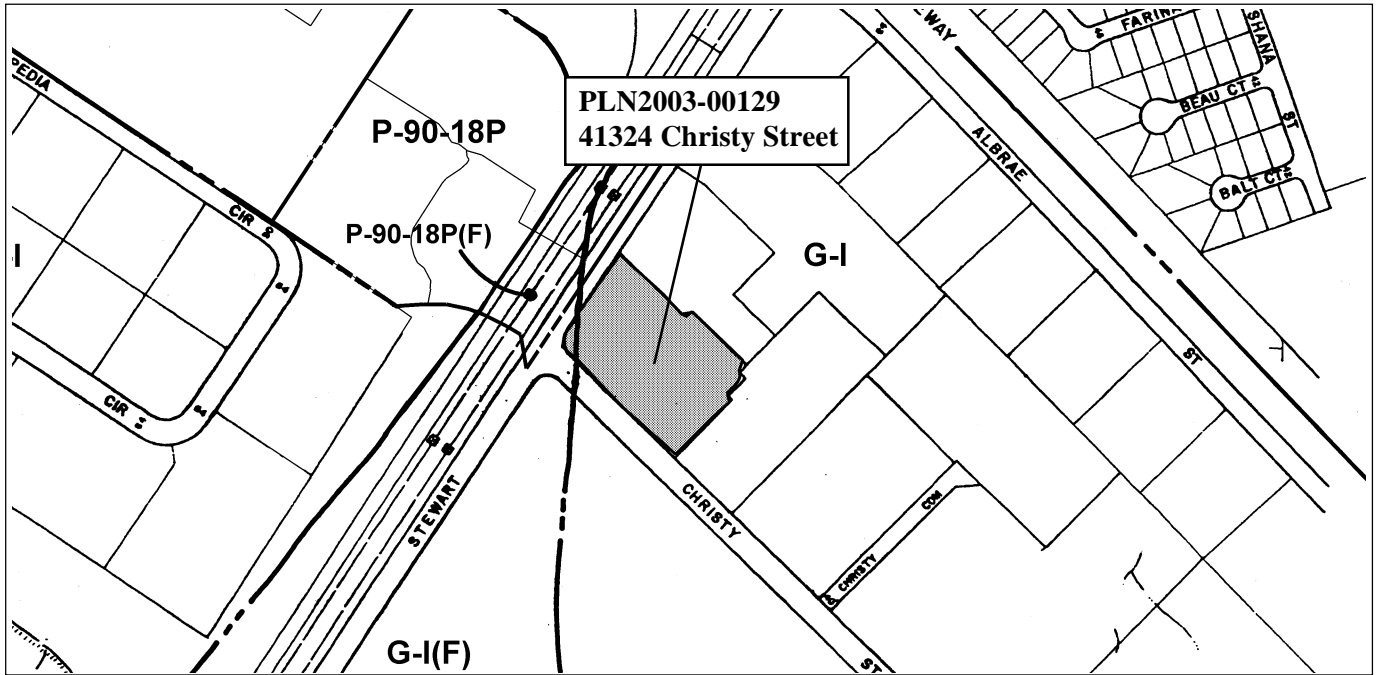
12. If the Assistant City Manager finds any of the following conditions to exist:

Per Section 8-22512 of the Fremont Municipal Code

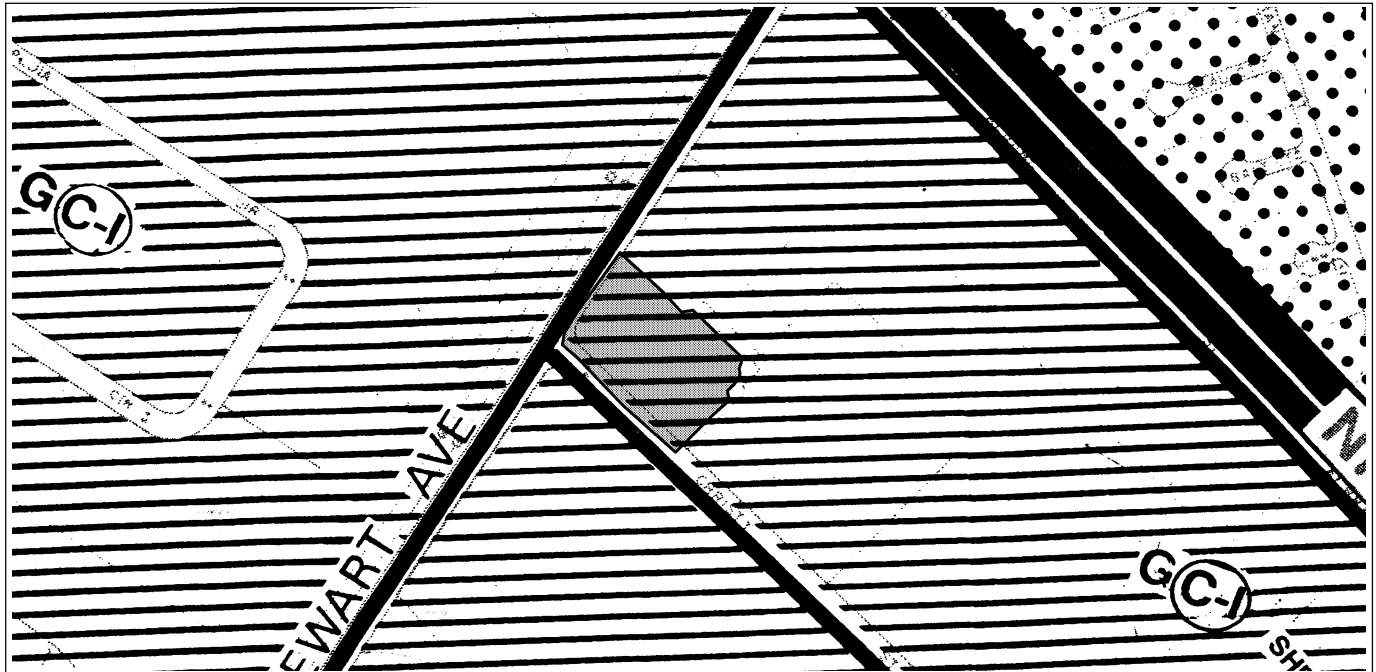
- (a) Conditions of approval have not been fulfilled;
- (b) The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property;
- (c) The use has resulted in a substantial adverse impact on public facilities or services.

The Assistant City Manager may refer the Conditional Use Permit to Planning Commission for review. If, upon such review, the Commission finds that any of the conditions of approval have not been fulfilled or negative impacts have occurred, the Commission may modify or revoke the use permit.

INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2003-00129 (CUP)
Project Name: JCFANS Power Center
Project Description: To consider a conditional use permit for a religious facility in an existing industrial building located in the Industrial Planning Area. This project is categorically exempt from CEQA review per section 15301, Existing Facilities.

Note: Prior arrangements for access are not required for this site.

